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IN THE

Supreme Court of the United States

OCTOBER TERM, [redacted] 1969

No. [redacted] 134

In the Matter of the Application

of

WALTER MARVIN, JR.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW JERSEY

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TABLE OF CONTENTS

	PAGE
Opinions Below	1
Jurisdiction	2
Questions Presented	2
Statutes Involved	3
Statement of the Case	5
Reasons for Granting the Writ	7
1. The New Jersey Gun Control Law violates the First Amendment	7
2. The New Jersey Gun Control Law is unconstitutionally broad and vague	12
3. The New Jersey Gun Control Law violates the due process clause of the Fourteenth Amendment because it provides no standards or procedure for determining when an application is to be granted or denied	15
Conclusion	18
Appendix:	
Opinion of Supreme Court of New Jersey	21
Opinion of the Appellate Division	33
Opinion of Monmouth County Court, October 28, 1966	45
Application for Firearms Purchaser Identification Card	51
New Jersey Statutes, 2A:151-33	53

Table of Authorities

PAGE

Cases:

Albertson v. Subversive Activities Board, 382 U.S. 70 (1965) 15
Aptheker v. Secretary of State, 378 U.S. 500 (1964) 11
A Quantity of Books v. Kansas, 378 U.S. 205 (1964) .. 17

Baggett v. Bullitt, 377 U.S. 360 (1964) 10
Baird v. State Bar of Arizona, No. 1079, cert. granted, 37 U.S.L.W. 3379 (1969) 10
Bantam Books v. Sullivan, 372 U.S. 58 (1963) 17

Cramp v. Board of Public Instruction, 368 U.S. 278 (1961) 8, 10
Carroll v. President and Commissioners, —— U.S. —— (1968) 13

Dennis v. United States, 341 U.S. 494 (1951) 13

Elfbrandt v. Russell, 384 U.S. 11 (1966) 10, 14

Fields v. Fairfield, 375 U.S. 248 (1963) 13
Freedman v. Maryland, 380 U.S. 51 (1965) 17

Garrity v. New Jersey, 385 U.S. 493 (1967) 15

Haskett v. Washington, 294 F. Supp. 912 (D.D.C. 1968) 18
Heckler v. Shepard, 243 F. Supp. 841 (D. Idaho 1965) 17, 18

Keyishian v. Board of Regents, 385 U.S. 589 (1967) 10, 12, 16

PAGE

Kingsley International Picture Corp. v. Regents, 360 U.S. 684 (1959) 13
Konigsberg v. State Bar of California, 353 U.S. 252 (1957) 17
Konigsberg v. State Bar of California, 366 U.S. 36 (1961) 9

Lamont v. Postmaster General, 381 U.S. 301 (1965) 16

Marchetti v. United States, 390 U.S. 39 (1968) 15
Marcus v. Search Warrant, 367 U.S. 717 (1961) 17

Reed v. Gardner, 261 F. Supp. 87 (N.D. Cal. 1966) 10
Rockwell v. Morris, 10 N.Y. 2d 721, cert. denied 368 U.S. 913 (1961) 13

Schneider v. Smith, 390 U.S. 17 (1968) 10, 11, 13
Schware v. Board of Bar Examiners, 353 U.S. 232 (1957) 17
Screws v. United States, 325 U.S. 91 (1945) 14
Shelton v. Tucker, 364 U.S. 479 (1960) 11
Shuttlesworth v. City of Birmingham, 89 S. Ct. 935 (1969) 16
Slochower v. Board of Higher Education, 350 U.S. 551 (1956) 17, 18
Speiser v. Randall, 357 U.S. 513 (1958) 16, 18
Spevak v. Klein, 385 U.S. 511 (1967) 15
Stanford v. Texas, 379 U.S. 506 (1965) 17

United States v. Brown, 381 U.S. 437 (1965) 10, 11
United States v. Robel, 389 U.S. 258 (1967) 11, 14, 16

PAGE

Weiss v. Gardner, 386 U.S. 9 (1967) 10
Whitehill v. Elkins, 389 U.S. 54 (1967) 8, 10

Yates v. United States, 354 U.S. 298 (1957) 13

United States Constitution:

First Amendment 2, 7, 14, 15, 16, 17, 18, 19
Fifth Amendment 15, 17
Fourteenth Amendment 2, 15

Statutes:

28 U.S.C. §1257(3) 2

New Jersey Statutes:

2A:151-33 15
2A:151-34 15
2A:151-35 ..... 2, 3, 6, 7
2A:151-48 ..... 5, 13
2A:170-25.15 ..... 14, 15

Miscellaneous:

Gunther, *Reflections on Robel: It's Not What The Court Did But The Way It Did It*, 20 STAN. L. REV. 1140 (1968) 12

Note, *Less Drastic Means and the First Amendment*, 78 YALE L.J. 464 (1969) 12

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WALTER MARVIN, JR.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW JERSEY

Petitioner, Walter Marvin, Jr., respectfully prays that a writ of certiorari issue to review the judgment of the New Jersey Supreme Court, entered on January 20, 1969, affirming the decision of the Superior Court, Appellate Division, which in turn affirmed the decision of the Monmouth County Court in denying petitioner's application for a Firearms Purchaser's Identification Card.

Opinions Below

The New Jersey Supreme Court opinion is reported at 53 N.J. 147 —— A. 2d —— (1969), and is set out in the Appendix, *infra*, pp. 21-32. The Appellate Division opinion is reported at 97 N.J. Super. 62, 234 A. 2d 408, and is set out in the Appendix, *infra*, pp. 33-44. The oral opinion of the Monmouth County Court is set out in the Appendix, *infra*, pp. 45-50.

Jurisdiction

The Supreme Court of New Jersey entered judgment on January 20, 1969. On April 16, 1968, Mr. Chief Justice Warren extended the time for filing this petition to and including May 20, 1969. The jurisdiction of this Court is invoked under 28 U.S.C. §1257(3).

Questions Presented

1. Whether Sec. 2A:151-35 of the New Jersey Gun Control Law, which requires petitioner to state "whether he is or ever has been a member of an organization which he knows advocates the commission of acts of force or violence designed to overthrow the Government or denies others their Constitutional Rights," violates the First and Fourteenth Amendments.

2. Whether Sec. 2A:151-35 of the New Jersey Gun Control Law is vague and overbroad in violation of the due process clause of the Fourteenth Amendment.

3. Whether the New Jersey Gun Control Law violates the due process clause of the Fourteenth Amendment because it provides no standards or procedure for determining when an application is to be granted or denied.

Statutes Involved

New Jersey Statutes, 2A:151-35.

APPLICATIONS FOR PERMITS AND IDENTIFICATION CARDS; CONTENTS; BLANKS; FINGERPRINTS

Applications for permits to purchase a pistol or revolver and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex, and physical description including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, addicted to narcotic drugs or is a habitual user of goofballs or pep pills, whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization, which advocates or approves the commission of acts of force and violence either to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitutions of either the United States or the State of New Jersey

and whether he has ever been convicted of a crime, or disorderly persons offense, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The application shall be signed by the applicant and shall contain as reference the names and addresses of 2 reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent and from any other officer authorized to grant such permit or identification card, and may be obtained from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a pistol or revolver purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a pistol or revolver purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.[1]

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[1] The questions on the application form ask the following information (App., *infra*, p. 51):

"22. Are you presently or have you ever been a member of any organization which advocates or approves the commission

New Jersey Statutes, 2A:151-48.

FALSE REPRESENTATIONS IN IDENTIFICATION CARD OR PERMIT APPLICATIONS OR IN PURCHASES

Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card or a permit to purchase or a permit to carry a pistol, revolver, or other firearm, or in completing the certificate or any other instrument required by this act in purchasing or otherwise acquiring delivery of any rifle, shotgun, pistol, revolver or other firearm, is guilty of a high misdemeanor.

Statement of the Case

On August 26, 1966 petitioner applied to the Chief of Police of Middletown Township, Monmouth County, New Jersey for a Firearms Purchaser Identification Card. The application form supplied by the Chief and as completed by petitioner is set forth in the Appendix, *infra*, p. 51. Petitioner declined to answer questions 22, 23 and 24 on the

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of acts of force or violence, either to overthrow the Government of the United States or of this State, or which seeks to deny others of their rights under the Constitution of either the United States or the State of New Jersey? Yes or No.

"23. If yes to the above question what is the name of the organization.

"24. Date of membership."

The New Jersey Supreme Court in its opinion construed the question and the statute to read as follows:

"Whether he is or ever has been a member of an organization which he knows to advocate the commission of acts of force or violence designed to overthrow the Government or deny others their Constitutional Rights" (App., *infra*, pp. 21-22).

application and set forth his reasons upon the back thereof (R. 3a; App., *infra,* p. 51).[2]

On or about August 30, 1966 the petitioner received a letter dated August 29, 1966 from the Chief of Police which denied his application because the applicant had not answered questions 22, 23 and 24 (R. 1a).

At the time of the application and denial petitioner, a collector of and lecturer about guns, was the owner of approximately fifty rifles and shotguns capable of firing live ammunition (R. 5a).

Pursuant to N.J.S. 2A:151-35, petitioner appealed the denial of his application to the Monmouth County Court. At the hearing petitioner raised the question whether a portion of 2A:151-35 on its face and as applied was inconsistent with his First Amendment rights of association because the question called for by the statute was overly broad (R. 14a-18a). In addition, petitioner argued that the question was void for vagueness under the Fourteenth Amendment in that men of common intelligence could not understand the information called for by question 22 (R. 18a-20a).

The court ruled from the bench that in its opinion the statute was constitutional and affirmed the action of the Chief of Police in denying petitioner his Firearms Purchaser Identification Card (R. 27a-32a; App., *infra,* pp. 45-50).

On September 29, 1967, the Appellate Division of the Superior Court affirmed the action of the Monmouth County Court. App., *infra,* pp. 33-44.

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[2] The symbol "R" refers to the Brief and Appendix filed by petitioner as Appellant in the Appellate Division of the Superior Court of New Jersey, which contains the Record of this case. It has been certified and filed with the Clerk of the Court as the Record here.

Petitioner then appealed to the New Jersey Supreme Court. On January 20, 1969, the unanimous Court affirmed the action of the Appellate Division. App., *infra*, pp. 21-32.

The federal constitutional questions initially raised were raised again and presented at each appellate stage.

Reasons for Granting the Writ

1. The New Jersey Gun Control Law violates the First Amendment.

Pursuant to N.J.S. 2A:151-35, the application for a firearms purchaser identification card contains the following question:

> "Are you presently or have you ever been a member of any organization which advocates or approves the commission of acts of force or violence, either to overthrow the government of the United States or of this state, or which seeks to deny others of their rights under the Constitution of the United States or the State of New Jersey."[3]

As rephrased and approved by the New Jersey Supreme Court, ostensibly to meet constitutional objections, the question is now to read:

> Are you now or have you ever been a member of an organization which you know to advocate the commission of acts of force or violence designed to overthrow

[3] The application form set out in the Appendix, *infra*, p. 51, also asks for the name of the organization and dates of membership should the answer to the principal question be affirmative.

the Government or deny others their constitutional rights. App., *infra*, pp. 21-22.

The Supreme Court of New Jersey ruled that this inquiry was pertinent and rejected "the appellant's position that he was constitutionally privileged under the first amendment to refuse to answer it at all." (App., *infra*, p. 32.) In particular, the court rejected the analogy between that question as a condition precedent to licensing, and similar questions and oaths which were held unconstitutional when other individual interests were made contingent upon answer, without exception by this Court from *Cramp* v. *Board of Public Instruction*, 368 U.S. 278 (1961), through *Whitehill* v. *Elkins*, 389 U.S. 54 (1967). It said that the New Jersey Gun Control Law:

> ". . . does not require any loyalty or comparable oath on sanction of loss of employment or criminal prosecution; it does not prohibit any organizational membership or any organizational act on sanction of criminal or other penalty; and it does not provide for denial of a pistol permit or firearms purchaser identification card because of membership in any designated organization . . . The inquiry . . . merely serves as a basis for any needed further inquiry by the official who at all times has the affirmative burden of determining whether the applicant is individually qualified or disqualified under the terms of N.J.S. 2A:151-33. Cf. *Konigsberg* v. *State Bar of California*, 366 U.S. 36 (1961); In re Anastaplo, 366 U.S. 82 (1961). . . ." App., *infra*, p. 24.

The Supreme Court of New Jersey drew a distinction between "an active member of an extremist paramilitary

organization dedicated to the forceful overthrow of the Government or the forceful denial of constitutional rights" and "an inactive member of a political organization which, though ideologically favoring the forceful overthrow of democratic government, has no paramilitary or weapons-gathering aspects . . ." But the court made clear that, even in the latter case, it was "the totality of the circumstances" which would determine whether "a finding of fitness" was warranted. And that issue would only be raised after the applicant made due answer to the question contested here. App., *infra*, pp. 24-25.

The New Jersey Supreme Court relied almost entirely on *Konigsberg* v. *State Bar of California*, 366 U.S. 36 (1961), for its decision. Drawing extensively upon that portion of Mr. Justice Harlan's opinion relating to the "weighing of the respective interests involved," it concluded:

> "New Jersey's interest in preventing the gathering of firearms by groups dedicated to the forceful overthrow of the Government or the forceful denial of constitutional rights appears to exceed by far the interest of the State advanced in *Konigsberg* . . . And the intrusion on speech and association as well as the jeopardies to private interests would appear to be much lesser in nature. If, as *Konigsberg* and other Supreme Court opinions indicate, balancing is appropriate, then surely New Jersey's interest is sufficient to outweigh the minimal effect upon free association occasioned by compulsory disclosures of membership in organizations of the type inquired about here. While the Gun Control Law seeks to avoid weapons gathering by threatening

groups . . . it is in nowise aimed at penalizing political beliefs." App., *infra*, p. 27.[4]

The court below disposed of *Elfbrandt* v. *Russell*, 384 U.S. 11 (1966), by declaring that "there would be no sufficient basis for a finding of unfitness [under the New Jersey statute] if it appeared that the applicant did not share the unlawful aims of the organization and that the granting of his application would not imperil the legitimate goals of the Gun Control Law." App., *infra*, p. 30. It disposed of *Keyishian* v. *Board of Regents*, 385 U.S. 589 (1967), by declaring that that case was of "little or no pertinency here." App., *infra*, p. 30.

Thus, the question here is whether the inquiry into petitioner's beliefs and association, which would otherwise be constitutionally impermissible, is constitutionally supportable because the regulation of the ownership of guns is a more compelling state interest than, for example, the loyalty of teachers in Florida [*Cramp* v. *Board of Education*, 368 U.S. 278 (1961)], Washington [*Baggett* v. *Bullitt*, 377 U.S. 360 (1964)], Arizona [*Elfbrandt* v. *Russell*, 384 U.S. 11 (1966)], New York [*Keyishian* v. *Board of Regents*, 385 U.S. 589 (1967)], and Maryland [*Whitehill* v. *Elkins*, 389 U.S. 54 (1967)]; the protection of American shipping [*Schneider* v. *Smith*, 390 U.S. 17 (1968)]; the loyalty of elderly applicants for Medicare [*Reed* v. *Gardner*, 261 F. Supp. 87 (N.D. Cal. 1966); *Weiss* v. *Gardner*, 386 U.S. 9 (1967)]; protection of industry from political strikes [*United States* v. *Brown*, 381 U.S. 437 (1965)]; maintaining security of essential defense indus-

[4] Notably, this Court has agreed to review a new case involving inquiry by bar examiners. *Baird* v. *State Bar of Arizona*, No. 1079, cert. granted, 37 U.S.L.W. 3379 (April 17, 1969).

tries [*United States* v. *Robel,* 389 U.S. 258 (1967)]; or protection of the government against the threat of the world Communist movement [*Aptheker* v. *Secretary of State,* 378 U.S. 500 (1964)].

In fact, the state interest in firearms control is no *more* compelling than governmental interest in, e.g., maintaining the security of essential defense facilities [See *United States* v. *Robel,* 389 U.S. 258 (1967)] or avoiding political strikes and economic disruptions [See *United States* v. *Brown,* 381 U.S. 437 (1965)]. No doubt, the state's interest in firearms control is compelling. But, "even though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved. The breadth of legislative abridgment must be viewed in the light of less drastic means for achieving the same basic purpose." *Shelton* v. *Tucker,* 364 U.S. 479, 488 (1960). In recently passing upon inquiries required pursuant to a federal loyalty-security program, Mr. Justice Douglas declared that in *Shelton* v. *Tucker,* 364 U.S. 479 (1960), "we held that an Act touching on First Amendment rights must be narrowly drawn so that the precise evil is exposed . . ." *Schneider* v. *Smith,* 390 U.S. 17, 24 (1968); see also *id.* at 27-28 (Fortas, J. concurring). And in *United States* v. *Robel,* 389 U.S. 258, 267-68 (1967), it was squarely held, with respect to an important national security interest, that:

> "Our decision today simply recognizes that, when legitimate legislative concerns are expressed in a statute which imposes a substantial burden on protected First Amendment activities, Congress must achieve its goal

> by means which have a 'less drastic' impact on the continued vitality of First Amendment freedoms."

See also *e.g.*, *Keyishian* v. *Board of Regents*, 385 U.S. 589, 609 (1967); Gunther, *Reflections on Robel: It's Not What The Court Did But The Way It Did It*, 20 STAN. L. REV. 1140 (1968); Note, *Less Drastic Means and the First Amendment*, 78 YALE L.J. 464 (1969); The New Jersey statute does not survive this test. See points 2 and 3 *infra*.

2. The New Jersey Gun Control Law is unconstitutionally broad and vague.

As pointed out above, the New Jersey Supreme Court reworded the statutory question, purportedly to save its constitutionality, so that it is to read:

> Are you now or have you ever been a member of an organization which you know to advocate the commission of acts of force or violence designed to overthrow the Government or deny others their constitutional rights.

As we point out directly below, that question itself continues to offend the vagueness and overbreadth doctrines. But the court below was not content to let the matter rest there. Presumably in an effort to further explain its statutory reinterpretation, the court went on to say:

> "... [W]e reiterate the sweep of the applicant's freedom in qualifying his responses to the inquiry. Thus he may answer negatively without more, or affirmatively as to known organizations, or by a denial of knowledge as to doubtful organizations. He may include such explanations as he considers appropriate,

> and may expressly confine his answers to present and recent memberships, pointing out that since the sole issue is his current qualification to purchase and carry weapons, his past memberships may be inquired about only to the extent that they are relevant and reasonably related to his present fitness." App., *infra*, p. 31.

An applicant is thus invited not merely to answer yes or no to the basic question, vague and overbroad as it is, but he is also invited to draw distinctions about the quality of his membership in unenumerated organizations with undefined objectives. In addition, he is encouraged to draw vague temporal conclusions regarding the relevancy today of his membership yesterday in the same specie of organization. Finally, should he accept these invitations, he may find himself prosecuted for giving the wrong answers. See Sec. 2A:151-48, *supra*, p. 5. He may not be put to such an open-ended inquisition. See *Schneider* v. *Smith*, *supra* at 27-28 (concurring opinion).

Second, the prohibited advocacy might well encompass mere "abstract" advocacy. Such advocacy, even of force or violence, may not be penalized. See, *e.g.*, *Dennis* v. *United States*, 341 U.S. 494 (1951); *Yates* v. *United States*, 354 U.S. 298 (1957). Nor can the abstract advocacy of the forceful denial to others of their constitutional rights be the basis for the denial of government benefits. See *Rockwell* v. *Morris*, 10 N.Y. 2d 721, cert. denied 368 U.S. 913 (1961); *Carroll* v. *President and Commissioners*, —— U.S. —— (1968); *Fields* v. *Fairfield*, 375 U.S. 248 (1963).[5] Furthermore, to penalize membership in organizations which

[5] Vigorous, non-abstract advocacy of illegal conduct is also protected in some circumstances. See, *e.g.*, *Kingsley International Picture Corp.* v. *Regents*, 360 U.S. 684 (1959).

advocate forceful denial to others of their constitutional rights is impermissibly vague. Given the complexities of constitutional interpretation, the average citizen is in no position to know if a given organization advocates forceful denial of such rights. *Cf. Screws* v. *United States*, 325 U.S. 91 (1945).

Third, the inquiry is unconstitutional because it permits withholding of a government benefit on the basis of but one purpose of the association, regardless of its other lawful purposes and whether or not an applicant participates only in the association's lawful activities while lending no support to any unlawful action proposed by the association. It is well established that a member of an association having lawful and unlawful purposes cannot be penalized if he confines his membership activities to the group's lawful objectives. *E.g., Elfbrandt* v. *Russell, supra*, at 17. Any rule to the contrary encourages guilt by association, which is intolerable under the First Amendment. See, *e.g., United States* v. *Robel*, 389 U.S. 258 (1967).[6]

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[6] The Court might have a different question if the scope of the inquiry were limited to disclosure of a relationship with an organization carefully described according to unlawful characteristics. *E.g.*, N.J.S. 2A:170-25.15 defines a Paramilitary Organization as:

> "... an organization which is not an agency of the United States Government or of the State of New Jersey, or which is not a private school ... [as defined by New Jersey statute], but which engages in instruction or training in guerrilla warfare or sabotage."

It is against the above narrowly drawn statute that we should read the concession, noted by the New Jersey Supreme Court, that counsel below "explicitly acknowledges that the State may properly include questions designed to ascertain whether the firearms are intended for use by extremist paramilitary or other types of organizations dedicated to the forceful overthrow of the Government or the forceful denial of constitutional rights ...", App., *infra*, p. 23.

(*footnote continued on next page*)

3. The New Jersey Gun Control Law violates the due process clause of the Fourteenth Amendment because it provides no standards or procedure for determining when an application is to be granted or denied.

N.J.S. 2A:151-33[7] sets forth the criteria for issuance of a permit. Subsections (a)-(c), none of which apply to petitioner, forbid issuance to anyone convicted of a crime, to habitual users of goofballs or pep pills, to anyone confined for a mental disorder, to habitual drunkards, and to anyone who suffers from a physical defect or sickness which would make it unsafe to handle firearms, or to anyone under 18 years old. Subsection (d), to which Question No. 22 is directed, also prohibits issuance to "any person where the issuance would not be in the interest of the public health, safety, or welfare." N.J.S. 2A:151-34 authorizes chiefs of police to issue permits "to any person qualified under the provisions of Section 2A:151-33." No other criteria are provided.

The chief of police has plenary authority to grant or deny the application on the basis of his sole judgment whether the applicant is qualified. And "he may deny where the totality of the circumstances before him discloses that the

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However, the opinion of the court below reveals that the compulsory inquiry at issue here was not so limited. The scope of the inquiry is still unclear, but unquestionably it goes beyond N.J.S. 2A:170-25.15. Even if it were limited to the definition contained in that provision, certain Fifth and First Amendment questions still might be raised. See, *e.g.*, *Marchetti* v. *United States*, 390 U.S. 39 (1968); *Garrity* v. *New Jersey*, 385 U.S. 493 (1967); *Spevak* v. *Klein*, 385 U.S. 511 (1967); *Albertson* v. *Subversive Activities Board*, 382 U.S. 70 (1965).

[7] Set out in the Appendix, *infra*, p. 53.

applicant is unfit to purchase and carry lethal weapons and that the issuance of a permit . . . would therefore 'not be in the interest of the public health, safety or welfare.'" App., *infra*, pp. 24-25. Thus under the New Jersey law, the chief of police has " . . . virtually unbridled and absolute power . . . in deciding whether or not to withhold a permit . . . guided only by [his] own ideas of . . . the public health, safety, or welfare." *Shuttlesworth* v. *City of Birmingham*, 89 S. Ct. 935, 938 (1969). The untrammeled discretion of the chief of police has been neither significantly refined nor narrowed by judicial construction. As this Court has ruled so often, " . . . a law subjecting the exercise of First Amendment freedoms to the prior restraint of a license, without narrow, objective, and definite standards to guide the licensing authority, is unconstitutional." *Shuttlesworth* v. *City of Birmingham*, 89 S. Ct. 935, 938 (1969). The same principle applies when the regulation of speech is less direct, as through the withholding of a benefit or the imposition of a criminal sanction. See, *e.g.*, *Keyishian* v. *Board of Regents*, 385 U.S. 589 (1967); *United States* v. *Robel*, 389 U.S. 258, 269 (1967) (Brennan, J. concurring); *Cf. Speiser* v. *Randall*, 357 U.S. 513 (1958). The potential for discriminatory, arbitrary and capricious action is as great, and so is the resulting harm to individuals and to the First Amendment.

Moreover such indications as we have in decisions of this Court are to the effect that due process requires some type of hearing before a non-signer may be disqualified solely because he will not sign a required oath. *Cf. Speiser* v. *Randall*, 357 U.S. 513 (1958); *Lamont* v. *Postmaster General*, 381 U.S. 301 (1965). Recent decisions of this Court point the way to a guarantee of a fair hearing for

the applicant who risks the stigma of a non-signer. *Slochower* v. *Board of Higher Education*, 350 U.S. 551 (1956), is particularly apposite. There the Court refused to permit New York to draw an automatic inference of disloyalty from an employee's invocation of the Fifth Amendment privilege against self-incrimination. *Schware* v. *Board of Bar Examiners*, 353 U.S. 232 (1957), and *Konigsberg* v. *State Bar of California*, 353 U.S. 252 (1957), extended a comparable protection to applicants for admission to the bar who were suspected of disloyalty because of their refusal to disclose certain past associations.[8]

On the basis of these precedents, a three-judge federal district court recently found Idaho's loyalty oath unconstitutional because it afforded no procedure by which the non-signer might explain his actions and vindicate his loyalty. In *Heckler* v. *Shepard*, 243 F. Supp. 841, 845 (D. Idaho 1965), the court concluded that "no discharge of a public employee, which operates to bestow a 'badge of disloyalty' or to create a 'built-in inference of guilt,' will be permitted without according to the right to such hearing as is requisite to due process of law." The vice of the Idaho statute was the automatic and arbitrary nature of the disqualification: "[T]here is no concern for employees' reasons; whether they are with or without justification; whether they are founded upon claimed constitutional guarantees. Even if a public employee holds steadfast conviction that the Federal Constitution shields him from be-

[8] In recent cases concerning control of obscenity, the Court has also stressed the importance of hearings when First Amendment rights may be jeopardized by government action. See *Freedman* v. *Maryland*, 380 U.S. 51 (1965); *A Quantity of Books* v. *Kansas*, 378 U.S. 205 (1964); *Bantam Books* v. *Sullivan*, 372 U.S. 58 (1963); *Marcus* v. *Search Warrant*, 367 U.S. 717 (1961). See also, *Stanford* v. *Texas*, 379 U.S. 506 (1965).

ing compelled to make the disclosures required, the Idaho statute affords but two alternatives: either to take the oath or to suffer summary discharge from State employment." *Id.* at 846.

The provisions in the instant case are constitutionally vulnerable on just this ground. As developed also in *Slochower,* to draw an inference of disqualification from a refusal to sign deprives the applicant of due process of law in the most basic sense. The inquiry therefore is procedurally, as well as substantively, deficient. See also, *Speiser* v. *Randall,* 357 U.S. 513 (1958); *Haskett* v. *Washington,* 294 F. Supp. 912, 918 (D.D.C. 1968) (Wright, J., concurring).

Thus, whether petitioner's application can be denied out of hand solely for refusing to answer a constitutionally dubious inquiry, is a substantial federal question which should be settled by this Court.

CONCLUSION

In view of increasing public demands for effective gun control laws which are being made across the country, the questions involved in this case will presumably arise with some frequency as other states adopt similar laws. Other states, and the federal government, are likely to pass licensing and registration statutes. There will be a tendency to delegate broad powers to local administrative officers; there will be a tendency to provide only for summary procedures; there will be a tendency to disqualify potential licensees on grounds encroaching on legitimate associational and other First Amendment freedoms. Our governmental units and citizens are entitled to know what

limits, in the interest of due process and the First Amendment, government must honor as it pursues its undoubtedly proper function of controlling use and possession of firearms. It would therefore be timely for this Court to issue a Writ of Certiorari in this early case in order to settle the important federal questions which it presents.

Respectfully submitted,

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